

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

EVERETT WALKER,

Plaintiff,

vs.

JAMES BENEDETTI, *et al.*,

Defendants.

Case No. 3:09-cv-0032-HDM-RAM

ORDER

Plaintiff, who is in the custody of the Nevada Department of Corrections, has submitted a financial certificate and a copy of his inmate trust account statement as well as a handwritten complaint attempting to initiate a civil rights action pursuant to 42 U.S.C. § 1983. (Docket #1). Plaintiff has not paid the \$350.00 filing fee and has not submitted an Application to Proceed *in Forma Pauperis* as required by 28 U.S.C. §1915(a)(1) and Local Rules LSR 1-1 and 1-2. The Local Rules further require that the application and complaint be made on the forms provided by this Court. LSR 1-1, 1-2, 1-4, and 2-1.

IT IS THEREFORE ORDERED that the Clerk of the Court shall send Plaintiff a blank application form for an application to proceed *in forma pauperis* for incarcerated litigants and a blank civil rights complaint form with instructions. The Clerk of the Court shall also return a copy of Plaintiff's submissions to him.

IT IS FURTHER ORDERED that the action is **DISMISSED** without prejudice for Plaintiff's commencement of a **new** action in which he either pays the \$350.00 filing fee in full or submits a complete Application to Proceed *in Forma Pauperis*, accompanied by a properly executed financial certificate and a copy of his inmate trust account statement, and a complaint on the proper forms. The Clerk of the Court shall enter judgment accordingly.

DATED: March 12, 2009.



UNITED STATES DISTRICT JUDGE